

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

LORETTA STREICHERT,

Plaintiff,

v.

TOWN OF CHESTER, NEW YORK *et al.*,

Defendants.

No. 19-CV-7133 (KMK)

ORDER

KENNETH M. KARAS, United States District Judge:

Before the Court is Defendants’ Motion for Reargument (the “Motion”), (*see* Mot. for Reargument (Dkt. No. 70)), seeking reconsideration of the Court’s September 23, 2022 Opinion and Order granting in part and denying in part Defendants’ Motion for Summary Judgment (the “Opinion”), (*see* Op. & Order (“2022 Op.”) (Dkt. No. 68)).¹

“Motions for reconsideration are governed by Federal Rule of Civil Procedure 59(e) and Local Civil Rule 6.3, which are meant to ensure the finality of decisions and to prevent the practice of a losing party examining a decision and then plugging the gaps of a lost motion with additional matters.” *Arthur Glick Truck Sales, Inc. v. Stuphen E. Corp.*, 965 F. Supp. 2d 402, 404 (S.D.N.Y. 2013) (citation omitted), *aff’d*, 577 F. App’x 11 (2d Cir. 2014). The standard for such motions is “strict” and “should not be granted where the moving party seeks solely to relitigate an issue already decided.” *Shrader v. CSX Transp., Inc.*, 70 F.3d 255, 257 (2d Cir.

¹ Although styled as a Motion for Reargument (*see* Mot. for Reargument at 1), the Court construes Defendants’ Motion as one for reconsideration of its decision not to dismiss Defendants Ryan Wensley and Alex Jamieson (*id.* at 2 (“Defendants respectfully request that the Court *reconsider* . . . its decision and grant summary judgment, pursuant to Local Rule 6.3, dismissing this claim as against Defendants, Alex Jamieson and Ryan C. Wensley.”) (emphasis added)).

1995); *see also In re Gen. Motors LLC Ignition Switch Litig.*, No. 14-MD-2543, 2017 WL 3443623, at *1 (S.D.N.Y. Aug. 9, 2017) (“It is well established that the rules permitting motions for reconsideration must be narrowly construed and strictly applied so as to avoid repetitive arguments on issues that have been considered fully by the [c]ourt.” (citation omitted)); *Leith v. Emerson*, No. 05-CV-7867, 2007 WL 9818914, at *2 (S.D.N.Y. Nov. 20, 2007) (“Rule 6.3 is narrowly construed and strictly applied in order to discourage litigants from making repetitive arguments on issues that have been thoroughly [considered] by the court.” (quotation marks omitted)). A movant may not “rely upon facts, issues, or arguments that were previously available but not presented to the court.” *Indergit v. Rite Aid Corp.*, 52 F. Supp. 3d 522, 523 (S.D.N.Y. 2014). Nor is a motion for reconsideration “the proper avenue for the submission of new material.” *Sys. Mgmt. Arts Inc. v. Avesta Techs., Inc.*, 106 F. Supp. 2d 519, 521 (S.D.N.Y. 2000). “Rather, to be entitled to reconsideration, a movant must demonstrate that the Court overlooked controlling decisions or factual matters that were put before it on the underlying motion, which, had they been considered might reasonably have altered the result reached by the [C]ourt.” *Arthur Glick*, 965 F. Supp. 2d at 405 (citation omitted); *Shrader*, 70 F.3d at 257 (same). In other words, “[a] motion for reconsideration should be granted only when the [movant] identifies an intervening change of controlling law, the availability of new evidence, or the need to correct a clear error or prevent manifest injustice.” *Alvarez v. City of New York*, No. 11-CV-5464, 2017 WL 6033425, at *2 (S.D.N.Y. Dec. 5, 2017) (quoting *Kolel Beth Yechiel Mechil of Tartikov, Inc. v. YLL Irrevocable Tr.*, 729 F.3d 99, 104 (2d Cir. 2013)); *see also Indergit*, 52 F. Supp. 3d at 523 (same).

The Court finds that Defendants’ Motion meets this rigorous standard. In their Memorandum of Law, Defendants requested that Defendants Ryan Wensley and Alex Jamieson

be dismissed because they had no involvement with the hiring decision that remains at issue in this case. (*See* Mem of Law in Supp. of Summ. J. at 26 (Dkt. No. 60).)² In its Opinion, the Court inadvertently failed to address this request. (*See generally* 2022 Op.) The Court now grants Defendants’ request in order to “correct a clear error” in its earlier Opinion. *Alvarez*, 2017 WL 6033425 at *2. Defendants Ryan Wensley and Alex Jamieson are hereby dismissed from this case.

Accordingly, Defendants’ Motion is granted.³ The Clerk of Court is respectfully directed to terminate the pending motion, (Dkt. No. 70).

SO ORDERED.

Dated: November 3, 2022
White Plains, New York

A handwritten signature in black ink, appearing to read 'KMK', with a horizontal line extending from the bottom of the signature.

KENNETH M. KARAS
United States District Judge

² The Court notes that Plaintiff consents to the Court granting Defendants’ motion. (*See* Pl’s Letter (Dkt. No. 73).)

³ Defendants have also requested that the Court alter the caption to remove Defendants Wensley and Jamieson. The Court declines to do so.